IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.209 OF 2004

Madhav Nagar Co.op.Housing Society. ..Petitioner
Vs.
Municipal Corporation of Greater
Bombay & Ors. ..Respondents
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None for the petitioner.

Ms Vijaya Khatu for respondent Nos.1 and 2.

Shri S.G.Surana for Respondent No.3.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 14th December, 2004.

P.C.

1. None present for the petitioner. Perused the records.

2. The grievance of the petitioner relates to the non-compliance of the order passed by the learned Single Judge of this Court in Appeal from Order No.1004 of 2003 on 15th December, 2003. The said order requires the respondent No.5 to comply with certain necessary requirements in order to enable the petitioner to get the water and electricity

connection. It cannot be disputed that in case of failure on the part of the respondent No.5 to comply with those necessary requirements, nothing prevents the petitioner from seeking execution of the said order as also to take other steps to get the electricity connection and water supply for itself. There is nothing on record to disclose that the petitioner had made any attempt to seek execution of the said order. Failure on the part of the petitioner to take necessary steps to seek execution of the said order in the appeal, in a case where the respondents in the appeal were merely failed to comply with the directions issued thereunder, that by itself cannot be said to be a willful disobedience of the order passed by the Court. There is nothing on record to disclose any willful disobedience of the order by the respondents and therefore, there is no case for proceeding against the respondents for contempt of Court. Hence, the Petition is rejected. Notice stands discharges.